
By: **Senator Hughes**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - State's Attorney Review of Applications for Statements of**
3 **Charges - Felonies**

4 FOR the purpose of requiring certain judicial officers in Baltimore City to forward to
5 the State's Attorney for Baltimore City a copy of an application filed in the
6 District Court requesting that a statement of charges be filed against certain
7 persons alleged to have committed certain felony offenses in Baltimore City;
8 authorizing certain judicial officers to take action on or forward to the State's
9 Attorney a copy of an application filed in the District Court requesting that a
10 statement of charges be filed against certain persons alleged to have committed
11 certain felony offenses if the certain persons pose an immediate threat to the
12 public or to any individual; requiring the State's Attorney to investigate certain
13 circumstances and make recommendations within a certain time period to a
14 judicial officer as to whether a statement of charges should be filed under
15 certain circumstances and as to whether a certain summons or warrant should
16 be issued; prohibiting a statement of charges from being filed under certain
17 circumstances until the State's Attorney has investigated a certain matter and
18 made recommendations to a judicial officer or until the expiration of a certain
19 time period if no recommendation is received from the State's Attorney;
20 providing that the State's Attorney is not precluded from making a
21 determination that an information should be filed or that a grand jury should be
22 convened to determine if a certain indictment should be filed under certain
23 circumstances; defining a certain term; making stylistic changes; and generally
24 relating to the review of applications filed in the District Court for a statement
25 of charges for certain felony offenses in Baltimore City under certain
26 circumstances.

27 BY repealing and reenacting, with amendments,
28 Article - Courts and Judicial Proceedings
29 Section 2-608
30 Annotated Code of Maryland
31 (2002 Replacement Volume)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
33 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 2-608.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) "Charging document" means a written accusation alleging that a
5 defendant has committed an offense.6 (3) "Citation" means a charging document, other than an indictment, an
7 information, or a statement of charges, issued to a defendant by a peace officer or
8 other person authorized by law to do so.9 (4) "Educator" means a principal, vice-principal, teacher, or teacher's
10 aide at a public or private preschool, elementary, or secondary school.

11 (5) "Emergency services personnel" means:

12 (i) A career firefighter of a county or municipal corporation;

13 (ii) An emergency medical services provider as defined in § 13-516
14 of the Education Article of a county or municipal corporation;15 (iii) A rescue squad employee of a county or municipal corporation;
16 and17 (iv) A volunteer firefighter, rescue squad member, or advanced life
18 support unit member of a county or municipal corporation.19 (6) "Indictment" means a charging document returned by a grand jury
20 and filed in circuit court.21 (7) "Information" means a charging document filed in court by a State's
22 Attorney.23 (8) "JUDICIAL OFFICER" MEANS A DISTRICT COURT JUDGE OR A
24 DISTRICT COURT COMMISSIONER.25 (9) "Offense" means a violation of the criminal laws of the State or any
26 political subdivision of the State.27 [(9)] (10) "Statement of charges" means a charging document, other than
28 a citation, filed in District Court by a peace officer, a District Court Judge, or a
29 District Court Commissioner.30 [(10)] (11) "Law enforcement officer" means a law enforcement officer as
31 defined in Article 27, § 727(b) of the Code or any federal law enforcement officer who
32 exercises the powers set forth in § 2-104 of the Criminal Procedure Article.33 (b) (1) [An] A COPY OF AN application filed in the District Court that
34 requests that a statement of charges be filed against a law enforcement officer,

1 emergency services personnel, or an educator for an offense allegedly committed in
2 the course of executing the duties of the law enforcement officer, emergency services
3 personnel, or educator shall immediately be forwarded to the State's Attorney.

4 [(c)] (2) [(1)] (I) Upon receiving A COPY OF an application filed in District
5 Court requesting that a statement of charges be filed against a law enforcement
6 officer, emergency services personnel, or an educator, the State's Attorney shall:

7 [(i)] 1. Investigate the circumstances of the matter; and

8 [(ii)] 2. Make a recommendation to the [District Court
9 Commissioner] JUDICIAL OFFICER as to whether a statement of charges should be
10 filed against the law enforcement officer, emergency services personnel, or the
11 educator.

12 [(2)] (II) If the State's Attorney recommends to a [District Court
13 Commissioner] JUDICIAL OFFICER that a statement of charges be filed against a law
14 enforcement officer, emergency services personnel, or an educator, the State's
15 Attorney shall also make a recommendation as to whether a summons or warrant
16 should issue.

17 [(d)] (3) Notwithstanding any other provision of the Code or the Maryland
18 Rules, a statement of charges for an offense allegedly committed in the course of
19 executing the duties of the law enforcement officer, emergency services personnel, or
20 the educator may not be filed against a law enforcement officer, emergency services
21 personnel, or educator until the State's Attorney has investigated the circumstances
22 of the matter and made recommendations to the [District Court Commissioner]
23 JUDICIAL OFFICER in accordance with [subsection (c) of this section] PARAGRAPH (2)
24 OF THIS SUBSECTION.

25 [(e)] (4) This [section] SUBSECTION may not be construed to preclude the
26 State's Attorney from making a determination that an information should be filed
27 against a law enforcement officer, emergency services personnel, or an educator or
28 that a grand jury should be convened to determine whether an indictment should be
29 filed.

30 (C) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

31 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
32 PARAGRAPH, A COPY OF AN APPLICATION FILED IN THE DISTRICT COURT THAT
33 REQUESTS THAT A STATEMENT OF CHARGES BE FILED AGAINST A PERSON ALLEGED
34 TO HAVE COMMITTED A FELONY IN BALTIMORE CITY SHALL IMMEDIATELY BE
35 FORWARDED TO THE STATE'S ATTORNEY FOR BALTIMORE CITY.

36 (II) IF THE JUDICIAL OFFICER DETERMINES THAT THE PERSON
37 POSES AN IMMEDIATE THREAT TO THE PUBLIC OR TO ANY INDIVIDUAL, THE
38 JUDICIAL OFFICER MAY TAKE ACTION ON OR FORWARD TO THE STATE'S ATTORNEY A
39 COPY OF AN APPLICATION FILED AS PROVIDED IN SUBPARAGRAPH (I) OF THIS
40 PARAGRAPH.

1 (3) (I) UPON RECEIVING A COPY OF AN APPLICATION UNDER
2 PARAGRAPH (1) OF THIS SUBSECTION, THE STATE'S ATTORNEY SHALL:

3 1. INVESTIGATE THE CIRCUMSTANCES OF THE MATTER;
4 AND

5 2. WITHIN 24 HOURS OF RECEIPT OF THE APPLICATION,
6 MAKE A RECOMMENDATION TO THE JUDICIAL OFFICER AS TO WHETHER A
7 STATEMENT OF CHARGES SHOULD BE FILED.

8 (II) IF THE STATE'S ATTORNEY RECOMMENDS TO A JUDICIAL
9 OFFICER THAT A STATEMENT OF CHARGES BE FILED BASED ON AN APPLICATION
10 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE'S ATTORNEY SHALL ALSO
11 MAKE A RECOMMENDATION AS TO WHETHER A SUMMONS OR WARRANT SHOULD BE
12 ISSUED.

13 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THE CODE OR THE
14 MARYLAND RULES, A STATEMENT OF CHARGES FOR AN ALLEGED FELONY
15 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE FILED UNTIL:

16 (I) THE STATE'S ATTORNEY HAS INVESTIGATED THE
17 CIRCUMSTANCES OF THE MATTER AND MADE RECOMMENDATIONS TO THE JUDICIAL
18 OFFICER IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION; OR

19 (II) THE EXPIRATION OF THE TIME PERIOD PROVIDED IN
20 PARAGRAPH (2)(I) OF THIS SUBSECTION IF NO RECOMMENDATION IS RECEIVED
21 FROM THE STATE'S ATTORNEY.

22 (5) THIS SUBSECTION MAY NOT BE CONSTRUED TO PRECLUDE THE
23 STATE'S ATTORNEY FOR BALTIMORE CITY FROM MAKING A DETERMINATION THAT
24 AN INFORMATION SHOULD BE FILED AGAINST A PERSON ALLEGED TO HAVE
25 COMMITTED A FELONY OR THAT A GRAND JURY SHOULD BE CONVENED TO
26 DETERMINE WHETHER AN INDICTMENT SHOULD BE FILED.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2003.